

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## CHARLES S. LONGSHORE,

Plaintiff,

V

## MASON COUNTY JAIL, et al.,

### Defendants.

CASE NO. C12-5457 BHS-JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R")

of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 60), and

Plaintiff's objections to the R&R (Dkt. 64).

On April 8, 2013, Judge Creature issued the R&R recommending that the Court

deny Plaintiff's motion for entry of a default because Defendants have appeared and

answered. Dkt. 60. On April 17, 2013, Plaintiff filed objections arguing that default

should be entered because he was not timely served a copy of the answer. Dkt. 64. The

Court declines to enter default against parties that have appeared and answered even if

they failed to timely serve Plaintiff

1 Therefore, the Court having considered the R&R, Plaintiff's objections, and the  
2 remaining record, does hereby find and order as follows:

- 3 (1) The R&R is **ADOPTED**; and  
4 (2) Plaintiff's motion for default is **DENIED**.

5 Dated this 9th day of May, 2013.

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8 BENJAMIN H. SETTLE  
United States District Judge  
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